

Department of Children and Families



Legislative Summary 2006

DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE SUMMARY

INTRODUCTION

The following is a compilation of summaries of acts of interest to the Department of Children and Families, passed during the 2006 Regular Session of the General Assembly, prepared by the DCF Office of Government Affairs. These summaries are based largely from the analysis prepared by the General Assembly's Office of Legislative Research.

The intent of this summary is to provide a general understanding of the actions taken by the legislature. Please refer to the specific text of each public or special act for a complete understanding of the action taken by the General Assembly. For additional information, please visit the General Assembly's website at <http://www.cga.ct.gov/>.

If you have any additional questions regarding the outcome of the 2006 session, please contact Josh Howroyd, Legislative Program Manager at (860) 550-6329.

EXECUTIVE SUMMARY

This year, the Department of Children and Families submitted four proposals to the legislature for consideration. Two of these initiatives have passed and been signed into law which make changes to expedite the permanency planning process and extend the state employee family and medical leave act to those employees who are foster parents. Both were included in **Public Act 06-102**. These initiatives, as well as others referenced in this Executive Summary, are summarized in greater detail in later sections of this report. The two proposals that did not pass include revisions to the DCF confidentiality statutes and a proposal to waive state park fees for foster parents.

Legislation that passed which is of direct interest to the department includes:

- expedite the permanency planning process. (**Public Act 06-102, §§ 5, 6, 7, 8 & 9**)
 - amend the state employees family and medical leave act to allow employees to care for certain seriously ill non-biological children, including foster children. (**Public Act 06-102, § 1**)
 - require DCF to utilize best efforts to identify and notify a child's grandparents when the department removes a child from a parent's home. DCF must do so no later than 15 days after the removal. Such disclosure would not be subject to the restrictions of the DCF confidentiality statute. (**Public Act 06-37**)
 - require DCF, in consultation with the Departments of Social Services, Mental Health and Addiction Services, and Mental Retardation to establish, within available appropriations, a kinship navigator program to help relative caregivers find services. The bill requires DCF to report to the Human Services Committee on the program by January 1, 2008. (**Public Act 06-182, § 2**)
 - implement the budget by establishing a juvenile jurisdiction planning team to determine how to extend the juvenile jurisdiction in delinquency matters and proceedings to include sixteen and seventeen year olds. Funding, in the amount of \$500,000 total, is provided in the budget for this purpose. (**Public Act 06-187, § 16**)
 - extend by up to 12 months (from 1/1/07 to 1/1/08) the date by which an employee currently on leave from DCF on assignment as the Court Monitor for the Juan F. Consent Decree must return to state employment. (**Public Act 06-1888, § 25**)
 - require DSS and DCF to develop grievance procedures for providers under the behavioral health administrative services organization and specifies that these procedures include certain appeals. (**Public Act 06-188, § 30**)
 - establish a Families with Service Needs Advisory Board. (**Public Act 06-188, § 42**)
 - require DCF to provide a youth over age 18 with a written plan of care and treatment and review it every six months. (**Public Act 06-102**)
 - merge the state's Child Poverty and Prevention councils to create a new Child Poverty and Prevention Council. It imposes new reporting requirements on the governor, executive branch agencies, and the council. It ties prevention services to others included in the Child Poverty Council's plan to reduce child poverty by 50% by June 30, 2014. (**Public Act 06-179**)
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CHILD ABUSE AND NEGLECT

PUBLIC ACT 06-37 - S.B. No. 366 - AN ACT CONCERNING GRANDPARENT NOTIFICATION WHEN A CHILD IS REMOVED FROM THE HOME

This act requires DCF to utilize best efforts to identify and notify a child's grandparents when the department removes a child from a parent's home. DCF must do so no later than 15 days after the removal. Such disclosure would not be subject to the restrictions of the DCF confidentiality statute.

Grandparents may give the department their contact information in order to be notified about the removal of a child (1) currently the subject of an abuse or neglect investigation or (2) who has been, or is, under the department's care or supervision

EFFECTIVE DATE: October 1, 2006

PUBLIC ACT 06-102- H.B. No. 5011 - AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR STATE EMPLOYEES, SERVICES FOR INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER IN THE CARE AND SUPERVISION OF THE COMMISSIONER OF CHILDREN AND FAMILIES, PERMANENCY PLANS FOR CHILDREN, AND EMPLOYMENT ACCOMMODATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY

DCF PROPOSAL (FMLA AND PERMANENCY PROVISIONS)

This act makes a number of changes to the Department of Children and Families (DCF) laws, most of which may speed up the process of placing foster children in permanent homes. It also requires DCF to develop care and treatment plans for young adults who choose to remain under the department's supervision.

The act also: (1) entitles state employees to unpaid leave to care for certain seriously ill non-biological children, (2) alters the law that gives legislators certain job protections, and (3) makes technical and conforming changes.

Reunification

The act specifies that DCF must make reasonable efforts to reunify parents and children unless a court has (1) approved a permanency plan with a different goal or (2) found, by clear and convincing evidence, that reunification efforts are not required.

It allows motions for rulings on the necessity of providing further reunification services to be consolidated with termination of parental rights trials, in conformity with current practice.

By law, no reunification efforts are required when the parent has subjected the child to aggravating circumstances. The act makes it an aggravated circumstance when the parent knowingly permits someone else to (1) sexually molest, exploit, severely abuse, or engage in a pattern of abusing, the child or (2) kill or deliberately cause serious injuries to the child, another child of the parent, or a sibling of the child.

These injuries are already aggravated circumstances when inflicted or attempted by the child's parent or when the parent solicits someone else to inflict them.

The act also makes it an aggravated circumstance if the parent has voluntarily terminated her rights to the child's sibling within the last three years. Current law considers involuntary terminations only. By law, DCF must make reasonable efforts to reunify the parent and the child for at least 90 days in this situation.

Permanency Plan Options

The act: (1) adds a requirement that permanency plans calling for long-term foster care be limited to placements with licensed or certified relatives, and permits other “planned permanent living” arrangements to be permanency plan options; (2) requires DCF to document a compelling reason why it would not be in a child's best interests to have a permanency plan calling for adoption, long-term relative foster care, or guardianship when it recommends another permanency goal; and (3) establishes a 60-day deadline for DCF to petition for the termination of parental rights when a court approves a permanency plan calling for adoption.

Permanency Plan Hearings

The act: (1) eliminates a requirement that the court make a finding on whether to seek to reunify a family or maintain or revoke a child's DCF commitment at each permanency plan hearing, and makes revocation mandatory rather than discretionary when DCF, a parent, or a child's attorney shows that cause for the commitment no longer exists and revocation is in the child's best interests; (2) requires parties opposing DCF's permanency plans to include their reasons and a proposed alternative in their opposition motions but retains the agency's burden of proving that its permanency plan is in the child's best interests; (3) requires the court approving a permanency plan of reunification to determine the services DCF must provide and a timetable for providing them; and (4) allows current or recent long-term foster parents to be given an opportunity to be heard at any hearing reviewing the child's permanency plan or concerning the revocation of his commitment.

Minor Changes

The act adds a child's residence with a legal guardian to the definition of “permanent home” in the termination of parental rights statutes. The act also requires yearly court reviews of permanency plans for as long as a child remains in DCF custody, rather than until the court determines that the adoption plan has been finalized.

Care Plans for Youth Remaining in DCF Care Voluntarily

By law, when a youth in DCF care turns 18 he may choose to remain in DCF's care and receive services in order to develop skills to live independently. The act requires DCF to provide such a youth with a written plan of care and treatment and review it every six months. The youth is entitled to an administrative hearing if he objects to the plan's contents. Current law does not expressly require this.

Leave for State Employee Foster Parents

The act adds the following definition for “child” in the state employee family and medical leave act (FMLA): a biological, adopted, or foster child; stepchild; child of a person who has legal guardianship or custody; or child of a person standing in *loco parentis* (i.e., in place of a parent). The law already allows leave for the adoption of a child, but does not specify leave for the illness of a non-biological child (although, the Department of Administrative Services indicated that, in practice, leave is permitted for the illness of a non-biological child). The act also specifies that leave can be taken to care for a child (1) under age 18 or (2) over age 18 if he is incapable of caring for himself because of a mental or physical disability.

General Assembly Members' Work Shifts

The act also amends the law that gives certain job protections to members of the General Assembly if their employer has 25 or more employees.

EFFECTIVE DATE: October 1, 2006, except for the voluntary services care plan provisions for children over age 18, which are effective upon passage (June 2, 2006)

- **See also page 17 - PUBLIC ACT 06-11 - S.B. No. 439 - AN ACT CONCERNING SEXUAL ASSAULT** regarding the expansion of criminal penalties for third and fourth degree sexual assault.
 - **See also page 19 - PUBLIC ACT 06-168 - H.B. No. 5536 - AN ACT CONCERNING THE RELOCATION OF PARENTS HAVING CUSTODY OF MINOR CHILDREN** regarding provisions related to imposing a burden of proof on parents who relocate with a child in custody proceedings, to prove that the relocation is in the child's best interest.
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FOSTER CARE, ADOPTION AND GUARDIANSHIP

PUBLIC ACT 06-71 - S.B. No. 4 - AN ACT PROVIDING ADULT ADOPTED PERSONS WITH ACCESS TO INFORMATION IN ORIGINAL BIRTH CERTIFICATES

This act, which was vetoed by the Governor, would have required the Department of Public Health (DPH) to give adopted adults copies of their sealed original birth certificates on request. Current law bars access without a biological parent's consent or probate court order.

It also would have created a voluntary, non-binding procedure for biological parents to complete a DPH form indicating whether they want to be contacted by their adopted children. DPH would have been required to attach completed forms to the sealed birth certificates and make them available to adult adoptees on request.

The act would have applied to adoptions completed on and after October 1, 2006. Disclosure would not have required until these adoptees reach at least age 21.

Finally, the act would have required DPH to tell people permitted to get copies of an adopted child's medical history record how to do so.

EFFECTIVE DATE: This act would have taken effect on October 1, 2006 if it had not been vetoed.

- **See also page 1 - PUBLIC ACT 06-102- H.B. No. 5011 - AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR STATE EMPLOYEES, SERVICES FOR INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER IN THE CARE AND SUPERVISION OF THE COMMISSIONER OF CHILDREN AND FAMILIES, PERMANENCY PLANS FOR CHILDREN, AND EMPLOYMENT ACCOMMODATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY** regarding provisions concerning family and medical leave for state employees who are foster parents and provisions expediting the permanency planning process.
 - **See also page 17 - Public Act 06-7 - S.B. No. 336 - AN ACT CONCERNING RENTAL ASSISTANCE FOR SUPPORTIVE HOUSING DEVELOPMENTS** regarding provisions related to the elimination of references to "certificates" from DSS's Rental Assistance Program supportive housing component, thus making it clear that DSS does not have to use certificates for project-based supportive housing rental assistance under RAP.
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JUVENILE SERVICES

PUBLIC ACT 06-182 - H.B. No. 5532 - AN ACT CONCERNING YOUTH POLICY AND THE KINSHIP NAVIGATOR PROGRAM

This act requires the director of the Office of Workforce Competitiveness (OWC), in consultation with the Connecticut Employment and Training Commission, to convene a 17-member youth futures committee by July 1, 2006. The committee must develop service delivery guidelines, improve communication among agencies, assess existing resources to maximize their use, and collaborate with partnerships to facilitate positive youth outcomes. By January 1, 2008, the OWC director must report on the progress made in achieving the outcomes.

The act also requires DCF, in consultation with the Departments of Social Services, Mental Health and Addiction Services, and Mental Retardation to establish, within available appropriations, a kinship navigator program to help relative caregivers find services. The act requires DCF to report to the Human Services Committee on the program by January 1, 2008.

EFFECTIVE DATE: Upon passage (June 7, 2006) for the youth futures committee and October 1, 2006 for the kinship navigator program.

- **See also page 10 - PUBLIC ACT 06-187 - H.B. No. 5846 - AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION PROVISIONS** regarding the establishment of a Juvenile Justice Jurisdiction Planning Team, funding for youth violence programs, urban youth employment and modifications to sex offender registry.
 - **See also page 12 - PUBLIC ACT 06-188 - S.B. No. 703 - AN ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS** regarding the Family with Service Need Advisory Board.
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PREVENTION

PUBLIC ACT 06-179 - H.B. No. 5254 - AN ACT CONCERNING STATE INVESTMENT IN PREVENTION AND CHILD POVERTY REDUCTION AND THE MERGER OF THE STATE PREVENTION AND CHILD POVERTY COUNCILS

This act merges the state's Child Poverty and Prevention councils to create a new Child Poverty and Prevention Council. It imposes new reporting requirements on the governor, executive branch agencies, and the council. It ties prevention services to others included in the Child Poverty Council's plan to reduce child poverty by 50% by June 30, 2014. The new council terminates on June 30, 2015, as does the Child Poverty Council under current law.

All current members of the Prevention and Child Poverty councils are designated under the act as members of the Child Poverty and Prevention Council. These are: (1) the Office of Policy and Management secretary, who serves as chairperson; (2) the Senate president, House speaker, and minority leaders of both chambers; (3) the commissioners of the departments of Children and Families, Social Services, Correction, Mental Retardation, Mental Health and Addiction Services, Transportation, Public Health, Education, Economic and Community Development, and Labor; (4) the chief court administrator; (5) the chairmen of the Board of Governors for Higher Education and Children's Trust Fund; (6) the child advocate; and (7) the executive directors of the commissions on Children and Human Rights and Opportunities. Members can designate others to serve in their place.

In addition to the duties of the predecessor councils, the act directs the Child Poverty and Prevention Council to promote the implementation of its 10-year plan to reduce child poverty. In order to promote the health and well-being of children and families, it must, within available appropriations: (1) establish prevention goals and recommendations and (2) measure prevention service outcomes.

Prevention services under the act are the same as those currently recognized by the Prevention Council. These are policies and programs that promote healthy, safe, and productive lives and reduce the likelihood of crime, violence, substance abuse, illness, academic failure, and other socially destructive behaviors. Research-based programs are those vigorously evaluated and found to be effective or represent best practices.

The act requires, within appropriations, the Governor's budget document for FYs 2007-2009, to include a prevention report that: (1) presents in detail, for each fiscal year, the governor's recommendations for appropriations for prevention services for children, youth, and families, broken down by agency; (2) indicates the state's progress toward meeting the goal that 2020, at least 10% of total recommended appropriations for those agencies be allocated for prevention services; (3) lists agency programs and summarizes agency prevention programs, prevention expenditures during the previous biennium, and estimated expenditures for FY 2007; and (4) identifies research-based prevention programs and the total for prevention services included in the budget.

With the exception of progress reports on prevention service allocations, the governor was required by law to include this information in her budget document for the 2003-05 biennium.

By November first of 2006 and 2007, the act requires each budgeted state agency that provides prevention services to children (those the act makes council members), within appropriations, to submit a report to the council. They must report on at least two prevention services in each report, but cannot exceed the actual number of prevention services it provides. For each service, the reports must include: (1) the number of children and families served and (2) a description of the preventive purposes of the service. It must also include the agency's: (1) long-term goals, strategies, and outcomes to promote the health and wellbeing of children and families; (2) overall findings on the

effectiveness of the agency's prevention programs, (3) whether it uses any methods to reduce disparities in child performance and outcomes by race, income level, and gender; and if so, what they are; and (4) other information the agency head deems relevant to demonstrate the preventive value of its services. The 2007 report must include a description of performance-based standards in its relevant contracts and any performance-based vendor accountability protocols.

The act specifies that health goals for prevention services may include increasing the number of (1) healthy pregnant women and newborns, (2) youth who adopt healthy behaviors, and (3) children and families that have access to health care. Goals for education include increasing the number of children who (1) are ready for school at an appropriate age, (2) learn to read by grade three, (3) succeed in school, and (4) graduate from high school and successfully get and keep jobs as adults. Safety goals include decreasing (1) the rate of child neglect and abuse, (2) the number of children unsupervised after school; (3) the incidence of child and youth suicide, and (4) the incidence of juvenile crime. Housing goals may include increasing access to stable and adequate housing.

The act requires the council, by January 1, 2007 of each year, to report, within appropriations, to the governor and Appropriations, Education, Human Services, Public Health, and Children's committees. The report must include: (1) a description of the state's progress in prioritizing agency expenditures in order to fund prevention services, (2) a summary of measurable gains made toward the child poverty and prevention goals, (3) each agency's 2006 and 2007 report on prevention services, (4) examples of successful interagency collaborations, and (5) after consulting with experts and service providers, recommendations for prevention investments and budget priorities.

EFFECTIVE DATE: October 1, 2006

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- **See also page 12 - PUBLIC ACT 06-188 - S.B. No. 703 - AN ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS** regarding the transfer of funding for the Nurturing Families Program.
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HEALTH, BEHAVIORAL HEALTH AND SUBSTANCE ABUSE

PUBLIC ACT 06-64 - S.B. No. 386 -AN ACT CONCERNING REVISIONS TO THE OFFICE OF HEALTH CARE ACCESS STATUTES

This act makes a number of changes to the Office of Health Care Access' (OHCA) certificate of need (CON) program. CON is a regulatory process for reviewing certain proposed capital expenditures by health care facilities, acquisition of major medical equipment, institution of new services or functions, termination of services, transfer of ownership, and decreases in bed capacity. Generally, CON approval is OHCA's formal determination that a health facility improvement, medical equipment purchase, or service change is needed.

The act amends the CON process by (1) modifying the letter of intent phase of CON in emergency situations, (2) allowing OHCA to waive CON for specific termination or relocation of certain services, and (3) modifying the existing waiver from CON for replacement equipment.

The act makes a number of minor and technical changes to OHCA statutes. It extends the time by which hospitals must report certain information to OHCA, changes some of the salary and benefits data they must report, and modifies their reporting of uncompensated care information. It also repeals several statutory provisions concerning obsolete budget and net revenue system procedures and references to the uncompensated care pool. The uncompensated care pool program has been replaced by the disproportionate share program and OHCA no longer regulates hospital net revenue limits.

EFFECTIVE DATE: July 1, 2006

PUBLIC ACT 06-131 - H.B. No. 5114 - AN ACT CONCERNING DEVELOPMENTAL NEEDS OF CHILDREN AND YOUTH WITH CANCER

This act requires individual and group health insurance policies to provide coverage for neuropsychological testing of children diagnosed with cancer after December 31, 1999. The mandate applies to plans delivered, issued for delivery, amended, renewed, or continued in the state on and after October 1, 2006. The act also requires the social services commissioner to amend the state's Medicaid and State Children's Health Insurance Program plans to provide this coverage under HUSKY A and B.

Under the act, insurers and the HUSKY plans must cover tests a licensed physician orders to assess the extent chemotherapy or radiation treatment has caused the child to have cognitive or developmental delays. They may not require prior authorization for the tests.

The act does not define "child." The law requires individual and group health insurance policies that cover dependents to do so through age 18 and up to age 23 if they are full-time students at an accredited school. HUSKY A and B cover children through age 18.

EFFECTIVE DATE: October 1, 2006, except the HUSKY provision, which is effective on passage (June 6, 2006)

PUBLIC ACT 06-164 - H.B. No. 5251 - AN ACT CONCERNING RECOMMENDATIONS OF THE CHILD POVERTY COUNCIL RELATED TO JOB TRAINING AND CHILD WELLNESS

This act permits the Office of Workforce Competitiveness to establish a pilot program giving parents access to training to develop skills they need to get and keep jobs. The program is for those with children under age 18 who qualify for, but are not receiving, federal Temporary Assistance to Needy Families benefits. It also requires the Departments of Social Services, Public Health, and Mental Health and Addiction Services to disseminate information about services provided by the state's Nurturing Family Network. The Nurturing Families Network (formally Health Families Connecticut) is a free, voluntary program that provides home visiting, guidance, and assistance to first-time parents at risk of child abuse or neglect. The act requires the DSS, DPH, and DMHAS commissioners to establish a program to give Healthy Start applicants (low income, pregnant women seeking medical assistance) information about services provided by the nurturing families program. It also requires DSS to give eligibility and service information to Medicaid applicants.

EFFECTIVE DATE: July 1, 2006

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- **See also page 12 - PUBLIC ACT 06-188 - S.B. No. 703 - AN ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS** regarding sections related to mental health services.
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BUDGET AND BONDING

PUBLIC ACT 06-186 - H. B. No. 5845 - AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES AND REVENUES FOR THE BIENNIUM ENDING JUNE 30, 2007

This act makes adjustments to the FY 2006-07 fiscal year budget and makes deficiency appropriations for the FY 2005-06 budget. The act includes:

- An additional \$83,500 and 3 positions were added to the 15 positions proposed by the Governor for the new secure State-operated facility for JJ girls. Also includes a statement that, "it is the intent of the committee that a second 5-bed state-operated facility for girls involved in the juvenile justice system be opened in FY 08."
- An additional 10 positions to support the increased census at CJTS.
- \$250,000 to plan for an expansion of juvenile jurisdiction to include 16 and 17- year olds.
- A reduction of \$2.5 million in the amount provided for continued development of therapeutic group homes in FY 2007. Funding is only provided to allow for an additional 42 instead of 91 beds.
- A net reduction in funding of \$145,700 as a result of an increase in supportive housing funding totaling \$990,400, which is offset by projected savings in board and care totaling \$1,136,100.
- An additional \$1.4 million to fund new prevention programming that is aimed at, "preventing the incidence of child abuse and neglect, behavioral health problems, and juvenile justice involvement."
- Provides \$614,110 to be transferred to the Children's Trust Fund (CTF pursuant to §23 of HB 703) in support of the New Haven Nurturing Families Network.
- A \$1 million reduction in Board & Care for Foster Care as a result of a revised cost and caseload estimate.
- An additional \$34,000 to reflect the elimination of Social Security Offset for State employees receiving worker's compensation.
- An additional \$850,000 is appropriated as required under HB5812: An Act Concerning the Registration and Supervision of Sexual Offenders. See section 17, \$450,000 is for the purpose of expanding the services provided by multidisciplinary teams and \$400,000 is for purposes of expanding the services provided by children's advocacy centers
- The 2% COLA for providers.
- Permits the Department to carry forward up to \$1 million in unexpended FY 2006 OE costs in support of the Title IV-E eligibility system.

EFFECTIVE DATE: July 1, 2006

PUBLIC ACT 06-187 - H.B. No. 5846 - AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION PROVISIONS

- **Section 16** implements the budget by establishing a juvenile jurisdiction planning team to determine how to extend the juvenile jurisdiction in delinquency matters and proceedings to include sixteen and seventeen year olds. Membership includes: (1) Six members of the General Assembly, one of whom shall be appointed by the speaker of the House of Representatives, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be appointed by the majority leader of the House of Representatives, one of whom shall be appointed by the majority leader of the Senate, one of whom shall be appointed by the minority leader of the House of Representatives and one of whom shall be appointed by the minority leader of the Senate; (2) the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and human services, or their designees; (3) the Chief Court Administrator, or the
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Chief Court Administrator's designee; (4) the Commissioner of Children and Families, or the commissioner's designee; (5) the Commissioner of Correction, or the commissioner's designee; (6) a judge of the superior court assigned to hear juvenile matters, appointed by the Chief Justice; (7) the Chief Public Defender, or the Chief Public Defender's designee; (8) the Child Advocate, or the Child Advocate's designee; (9) the Chief State's Attorney, or the Chief State's Attorney's designee; (10) the Secretary of the Office of Policy and Management, or the secretary's designee; and (11) four members of the advocacy community, two of whom shall be appointed by each of the co-chairs of the Juvenile Court Jurisdiction Committee. The committee shall plan for the implementation of any changes in the juvenile justice system that would be required in order to extend jurisdiction in delinquency matters and proceedings to include sixteen-year-old and seventeen-year-old children within the Superior Court for Juvenile Matters. The committee shall submit a report by February 1, 2007 on the committee's findings, together with any recommendations for appropriate legislation, to the Judiciary and Human Services Committees of the General Assembly. Funding, in the amount of \$500,000 total, is provided in the budget for this purpose.

- **Section 17** implements the budget by establishing a State Urban Violence and Cooperative Crime Control Task Force within the Department of Public Safety. Funds, in the amount of \$300,000 in FY 07, are contained within the budget for this purpose.
- **Section 22** implements the budget by requiring the Department of Consumer Protection to study the feasibility of establishing an electronic message registry. Funding in the amount of \$50,000 is provided in the budget to DCP for FY 07 for this purpose.
- **Sections 23-24** implement the budget by conforming statute to the original FY 07 budget which shifted responsibility from the Judicial Department to the new Commission on Child Protection for administering the system to provide guardians ad litem to certain children. The original FY 07 budget transferred \$500,000, from the Judicial Department to the new Commission to support this function.
- **Section 28** requires certain information to be prepared and made available through the on-line sex offender registry.
- **Section 29** allows courts to impose global positioning system (GPS) monitoring on any person released on probation or conditional discharge who has been convicted of certain sexual offenses (under current law the court may order electronic monitoring)
- **Sections 30-43** implement the budget. The budget contains \$2.8 million (see detail below) related to these sections which establish risk assessments of sex offenders, expanded sex offender registry and reporting requirements and various other sex offender-related provisions.

Agency	Item	\$
DPS	Risk Assessment Board - Evaluation of Existing Offenders	77,500
DOC	Risk Assessment Board - Evaluation of Existing Inmates	200,000
DPS	Reporting and Registration Requirements	42,750
DCF	Multidisciplinary Teams/Child Advocacy Centers	850,000
JUD	Sex Offender Probation Units	1,225,000
DOC	Parole Sex Offender Supervision	440,000
	Total	2,835,250

- **Sections 75-76** grants employees of the new Commission on Child Protection access to the records of cases in juvenile matters and provides that the Department of Children and Families shall provide copies of records, upon request, to the Chief Child Protection Attorney for purposes of ensuring competent representation by the attorneys who the Chief Child Protection Attorney contracts with.
- **Section 88** transfers \$4 million provided to the Office of Policy and Management for Urban Youth Employment to the Office of Workforce Competitiveness to be distributed to the five

regional workforce investment boards. The act requires that at least 75% of the amount provided to these boards be allocated to one or more distressed municipalities in the board's region, and that the remaining amount be allocated to the Summer Youth Employment Program.

- **Section 93** carries forward into FY 07 up to \$234,000 for the Child Protection Commission, which is within the Public Defender Services Commission for administrative purposes only. This new agency is responsible for operating the system that provides indigent clients with legal representation in a variety of civil, family and juvenile proceedings including neglect, custody and termination of parental rights.

EFFECTIVE DATE: Most sections effective July 1, 2006

PUBLIC ACT 06-188 - S.B. No. 703 - AN ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS

This act makes the following changes of interest to DCF:

- **Section 23** requires DCF to enter into a memorandum of understanding with the Council to Administer the Children's Trust Fund so as to facilitate the transfer of \$614,110 for the purpose of supporting an expansion of Nurturing Families Network programming within New Haven. The following sums have been included within the DCF budget for this purpose: \$72,000 in Personal Services; \$10,000 in Other Expenses; and \$532,110 in the Community Based Prevention Programs account.
 - **Section 25** would extend by up to 12 months (from 1/1/07 to 1/1/08) the date by which an employee currently on leave from DCF must return to state employment. A Director of Community Services is currently on assignment as the Court Monitor for the Juan F. Consent Decree.
 - **Sections 28 and 29** make several changes to the composition of the Community Mental Health Strategy Board (CMHSB).
 - **Section 30** requires DSS and DCF to develop grievance procedures for behavioral health administrative service organization providers and specifies that these procedures include certain appeals.
 - **Section 31** allows DMHAS, in consultation with the CMHSB, to implement pilot programs on mental health and peer counseling. **Section 52** specifies that of the \$2 million in FY06 surplus funds appropriated to the CMHSB in the budget, \$275,000 is designated to implement these pilots.
 - **Section 36** allows funds appropriated to the CMHSB to be expended for programs and services that result in maximization of federal reimbursement for community based mental health care. As the language is permissive and no funds are included in the budget for this purpose, no new programs are expected to be established.
 - **Sections 37** requires the DMR to establish a pilot program to provide a coordinated system of supports and services for up to 50 adults with autism spectrum disorders who are not eligible for DMR services. The budget includes \$1 million in funding in FY 07 to support the pilot program for autism services (including service coordination, supported employment, supported living and transportation). The annual cost per person may vary from \$15,000 - \$30,000. The \$1 million funding in FY 07 supports a phase-in of services starting October 1, 2006. The department must also submit a report to the Public Health Committee no later than January 1, 2009, with the results of the pilot program and recommendations.
 - **Section 42** establishes a Families with Service Needs Advisory Board. Membership includes: (1) Two representatives of the Department of Children and Families, appointed by the Commissioner of Children and Families, one of whom shall be a representative from the division of said department that provides juvenile justice services and one of whom shall be a representative of said department who is responsible for providing services to girls; (2) the
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Chief Court Administrator, or the Chief Court Administrator's designee; (3) a judge of the Superior Court assigned to hear juvenile matters, appointed by the Chief Justice; (4) a public defender, assistant public defender or deputy assistant public defender specializing in cases involving families with service needs, appointed by the Chief Public Defender; (5) the Child Advocate, or the Child Advocate's designee; (6) the Chief Child Protection Attorney, or the Chief Child Protection Attorney's designee; (7) the Chief State's Attorney, or the Chief State's Attorney's designee; (8) the Secretary of the Office of Policy and Management, or the secretary's designee; (9) the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and human services, or their designees; (10) one member appointed by the Governor; and (11) two members to serve as chairpersons of the board, one of whom shall be appointed by the speaker of the House of Representatives and one of whom shall be appointed by the president pro tempore of the Senate. The Task Force is charged with the responsibility to (1) monitor the progress being made by the Department of Children and Families in developing services and programming for girls from families with service needs and other girls, (2) monitor the progress being made by the Judicial Department in the implementation of the requirements of public act 05-250 (*which prohibits placing a child adjudicated as a FWSN in juvenile detention after October 1, 2007*) , (3) provide advice with respect to such implementation upon the request of the Judicial Department or the General Assembly, and (4) not later than December 31, 2007, make written recommendations to the Judicial Department and the General Assembly with respect to the accomplishment of such implementation by the effective date of public act 05-250.

- **Section 43** prohibits the Department of Administrative Services from seeking repayment of the cost of assistance from an individual who was the beneficiary of certain payments made for his care as a child or youth when such individual subsequently becomes entitled to the proceeds of a cause of action or insurance payment upon the death of a minor child occurring on or after June 25, 2005.
- **Section 49** specifies that DSS provide Early and Periodic, Screening, Diagnostic and Treatment (EPSDT) services to medical assistance recipients under the age of 21.

EFFECTIVE DATE: Most sections effective July 1, 2006

LEGAL

PUBLIC ACT 06-32 - H.B. No. 5738 - AN ACT CONCERNING RECONSIDERED AGENCY DECISIONS AND APPEALS UNDER THE UNIFORM ADMINISTRATIVE PROCEDURE ACT

This act establishes a deadline for state agencies to render a reconsidered decision in a contested case. They must issue these decisions within 90 days after deciding to reconsider. By law, agencies can decide to reconsider a final decision in a contested case on their own or pursuant to a petition from a party to the case.

With one exception, the act provides that a decision an agency issues in a contested case on reconsideration replaces its original decision as the final decision from which an appeal may be taken. Among other issues, any such appeal may be based on issues the agency (1) decided in its original final decision that were not the subject of the reconsideration; (2) was requested, but declined, to address on reconsideration; and (3) reconsidered but did not modify. The exception applies if an agency fails to render a decision on reconsideration within the 90-day period the act establishes. In this case, the original decision is the final decision for purpose of an appeal.

Lastly, the act establishes a deadline for filing an appeal after a petition for reconsideration is filed. It is within 45 after (1) the petition is denied, (2) a decision made after reconsideration is mailed or personally delivered, or (3) the 90-day deadline for a decision.

EFFECTIVE DATE: October 1, 2006

- **See also page 1 - PUBLIC ACT 06-37 - S.B. No. 366 - AN ACT CONCERNING GRANDPARENT NOTIFICATION WHEN A CHILD IS REMOVED FROM THE HOME** regarding provisions related to grandparent notification.
 - **See also page 1 - PUBLIC ACT 06-102- H.B. No. 5011 - AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR STATE EMPLOYEES, SERVICES FOR INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER IN THE CARE AND SUPERVISION OF THE COMMISSIONER OF CHILDREN AND FAMILIES, PERMANENCY PLANS FOR CHILDREN, AND EMPLOYMENT ACCOMMODATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY** regarding provisions expediting the permanency planning process.
 - **See also page 4 - PUBLIC ACT 06-71 - S.B. No. 4 - AN ACT PROVIDING ADULT ADOPTED PERSONS WITH ACCESS TO INFORMATION IN ORIGINAL BIRTH CERTIFICATES** regarding provisions allowing adult adoptees access to their original birth certificates (for adoptions finalized on and after October 1, 2006)
 - **See also page 10 - PUBLIC ACT 06-187 - H.B. No. 5846 - AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION PROVISIONS** regarding the appointment of Guardian Ad Litem by the Commission on Child Protection and modifications to the DCF confidentiality statute to allow disclosure of certain information to the Commission on Child Protection.
 - **See also page 17 - PUBLIC ACT 06-2 - S.B. No. 152 - AN ACT CONCERNING THE ESTABLISHMENT OF THE SUFFIELD-EAST GRANBY PROBATE DISTRICT, THE CONSOLIDATION OF THE NORFOLK PROBATE DISTRICT INTO THE NORTHWEST CORNER PROBATE DISTRICT AND THE CONSOLIDATION OF THE KENT PROBATE**
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DISTRICT INTO THE LITCHFIELD PROBATE DISTRICT regarding modifications of certain probate districts.

- **See also page 19 - PUBLIC ACT 06-196 - H.B. No. 5820 - AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS AND CERTAIN OTHER CHANGES TO THE GENERAL STATUTES, THE 2006 SUPPLEMENT TO THE GENERAL STATUTES AND CERTAIN PUBLIC ACTS** regarding various technical modifications to DCF statutes.
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PERSONNEL AND LABOR RELATIONS

PUBLIC ACT 06-132 - H.B. No. 5652 - AN ACT CONCERNING PUBLIC AGENCY TERMINATION, SUSPENSION OR SEPARATION AGREEMENTS

This act makes confidentiality provisions in termination, suspension, or separation agreements between a public agency and an employee or personal services contractor subject to disclosure under the Freedom of Information Act. The act covers agreements that prohibit a public agency from disclosing the existence of the agreement or the cause or causes for a termination, suspension, or separation, as applicable, including alleged or substantiated sexual abuse, sexual harassment, sexual exploitation, or sexual assault by the employee or contractor.

EFFECTIVE DATE: October 1, 2006

PUBLIC ACT 06-146 - S.B. No. 459 - AN ACT CONCERNING ACCRUED LEAVE FOR STATE EMPLOYEES SERVING IN THE MILITARY

This act gives a state employee called up to active military service in the National Guard or the military reserves vacation and sick leave accrual for the entire period of active service rather than just the first 30 days. It applies to an employee called to duty for (1) federal or state post 9-11 anti-terrorism or homeland security-related duty or (2) the Afghanistan or Iraq wars.

Currently a guard member or reservist accrues such time during the first 30 days of active duty because he receives full state pay during that time. By law, a state employee called to active duty receives partial state pay (to make up the difference between his military pay and his state pay, if any) for any active service time beyond 30 days.

Existing law and the act cover state employees who are guard members in other states.

EFFECTIVE DATE: Upon passage (June 6, 2006)

- **See also page 12 - PUBLIC ACT 06-188 - S.B. No. 703 - AN ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS** regarding provisions related to the DCF Court Monitor.
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OTHER LEGISLATION OF INTEREST

PUBLIC ACT 06-2 - S.B. No. 152 - AN ACT CONCERNING THE ESTABLISHMENT OF THE SUFFIELD-EAST GRANBY PROBATE DISTRICT, THE CONSOLIDATION OF THE NORFOLK PROBATE DISTRICT INTO THE NORTHWEST CORNER PROBATE DISTRICT AND THE CONSOLIDATION OF THE KENT PROBATE DISTRICT INTO THE LITCHFIELD PROBATE DISTRICT

This act eliminates the probate districts of East Granby, consisting of the town of East Granby, and Suffield, consisting of the town of Suffield. It establishes a new probate district of Suffield-East Granby, consisting of Suffield and East Granby. It eliminates the probate district of Kent, consisting of Kent. It adds Kent to the Litchfield probate district, which currently consists of Litchfield, Morris, and Warren. It also eliminates the probate district of Norfolk, consisting of Norfolk. It adds Norfolk to the Northwest Corner probate district, which currently consists of Canaan, Cornwell, North Canaan, Salisbury, and Sharon. (PA 04-19 creates this district effective January 3, 2007.)

The act requires a judge to be elected for the newly created probate districts in 2006 and every four years thereafter. Beginning January 3, 2007, the act gives the probate court for the newly created districts jurisdiction over all probate business arising in the affected towns.

EFFECTIVE DATE: Upon passage (March 15, 2006), except for the provision eliminating the districts and creating the new districts, which takes effect January 3, 2007.

Public Act 06-7 - S.B. No. 336 - AN ACT CONCERNING RENTAL ASSISTANCE FOR SUPPORTIVE HOUSING DEVELOPMENTS

This act eliminates references to “certificates” from DSS's Rental Assistance Program (RAP) supportive housing component, thus making it clear that DSS does not have to use certificates for project-based supportive housing rental assistance under RAP. The state-funded RAP program helps families with incomes up to 50% of the area median income afford private rental housing. People apply through their local public housing authority (PHA). Families pay 40% of their monthly income for rent and utilities, but elderly and disabled families pay 30%.

Current law allows the DSS commissioner to designate a portion of the RAP rental assistance certificates for tenant-based and project-based supportive housing units. Tenant-based rental assistance takes the form of certificates that go to individuals who secure private housing; but project-based assistance goes to property owners participating in government-sponsored housing development programs and does not require a certificate.

EFFECTIVE DATE: Upon passage (April 21, 2006)

PUBLIC ACT 06-11 - S.B. No. 439 - AN ACT CONCERNING SEXUAL ASSAULT

This act expands the activities that constitute third and fourth degree sexual assault. It makes someone guilty of these crimes if all other elements of the crimes are met and the actor engages in or causes or forces another to submit to sexual contact by emitting any substance from his genital area or anus.

By law, third degree sexual assault is a class D felony or, if the victim is under age 16, a class C felony. A class D felony is punishable by up to five years in prison, a \$5,000 fine, or both. A class C felony is punishable by up to 10 years in prison, a \$10,000 fine, or both.

Fourth degree sexual assault is a class A misdemeanor or, if the victim is under age 16, a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both.

EFFECTIVE DATE: October 1, 2006

PUBLIC ACT 06-43 - S.B. No. 153 - AN ACT CONCERNING TRAFFICKING IN PERSONS

This act creates the felony crime of trafficking in persons. It applies to those who coerce others to engage in prostitution or work. It authorizes to state to charge traffickers with racketeering and to seize property related to the crime when there is a pattern of such activity. It allows people charged with prostitution to avoid conviction by proving that they were acting because of a trafficker's coercion. The act also allows (1) the attorney general to sue employers who knowingly employ victims and (2) victims to sue traffickers for money damages.

The act appropriates \$75,000 each for training programs and witness protection services and \$25,000 for shelter and victim services. It also adds members and duties to the Interagency Task Force on Trafficking in Persons and extends the deadline for it to file its legislative report from January 1, 2006 to January 1, 2007.

EFFECTIVE DATE: July 1, 2006, except the task force provision, which is effective upon passage (May 8, 2006)

PUBLIC ACT 06-86 - H.B. No. 5051 - AN ACT CONCERNING LUMINAIRES AT STATE AGENCIES

The act bans, with some exceptions, the use of state funds to install or replace certain outdoor light, or lighting units on state building or facility grounds. The act also extends the deadline by which violators must comply with laws regulating the use of floodlights on private property.

EFFECTIVE DATE: July 1, 2006

PUBLIC ACT 06-112 - H.B. No. 5211 - AN ACT CONCERNING UNDERAGE DRINKING

This act makes it illegal for someone who possesses or controls private property, including a dwelling unit, to (1) knowingly permit a minor to illegally possess alcohol in the unit or on the property or (2) fail to make reasonable efforts to stop the possession of alcohol in the unit or on the property by a minor he knows possesses alcohol illegally. The act makes a first offense an infraction and subsequent offenses subject to up to one year in prison, a fine of up to \$500, or both.

The act also makes it illegal for a minor to possess alcohol anywhere, rather than only in public places. Under current law, the penalty for illegal possession in public places is a fine of \$200 to \$500. The act makes this the penalty for second and subsequent offenses of illegal possession, regardless of location, and makes a first offense an infraction.

Under current law, the provisions on illegal possession by minors do not apply to a minor who possesses alcohol while accompanied by a parent, guardian, or spouse over age 21. The act specifies that it must be the minor's parent, guardian, or spouse.

The act also specifies that the prohibitions on illegal possession and those against selling, shipping, delivering, or giving alcohol to minors cannot be construed to burden a person's exercise of religion as protected by the state constitution.

EFFECTIVE DATE: October 1, 2006

PUBLIC ACT 06-115 – H.B. No. 5563 - AN ACT CONCERNING BULLYING POLICIES IN SCHOOLS AND NOTICES SENT TO PARENTS OR LEGAL GUARDIANS

This act broadens the law on bullying behavior in schools by: (1) expanding the definition of bullying, (2) enhancing schools' obligations to tell students how to report bullying, and (3) requiring interventions for students who repeatedly bully or are bullied.

The act also requires schools to simultaneously mail the same school notices they give to the parent or guardian with whom the student primarily resides to the other parent or guardian if he requests it. The mailing requirement remains in effect for as long as the student attends the school to which the request is made.

EFFECTIVE DATE: July 1, 2006

PUBLIC ACT 06-139 - S.B. No. 58 - AN ACT CONCERNING PROTECTION OF MINORS IN THE WORKPLACE AND FOURTEEN-YEAR-OLDS EMPLOYED AS CADDIES

This act increases the civil penalties, fines, and maximum prison terms in several labor statutes (1) addressing the hours minors, the elderly, and handicapped can work in manufacturing, mechanical, or mercantile businesses and (2) prohibiting minors under age 16 from doing manufacturing, mechanical, or mercantile work, with exceptions for retail food stores when school is not in session. The act also permits minors who have reached the age of 14 to work as a caddie or in a pro shop at any municipal or private golf course.

EFFECTIVE DATE: January 1, 2007

PUBLIC ACT 06-168 - H.B. No. 5536 - AN ACT CONCERNING THE RELOCATION OF PARENTS HAVING CUSTODY OF MINOR CHILDREN

This act requires parents who relocate or plan to relocate with a child to prove that the relocation is in the child's best interest. Current law places the burden on the parent objecting to the move. It also codifies a nonexclusive list of factors family courts must consider when the non-relocating parent seeks to block the move due to its significant impact on an existing parenting plan (i.e., a court-approved custody and visitation schedule). These considerations are already required by the common law.

EFFECTIVE DATE: October 1, 2006

PUBLIC ACT 06-196 - H.B. No. 5820 - AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS AND CERTAIN OTHER CHANGES TO THE GENERAL STATUTES, THE 2006 SUPPLEMENT TO THE GENERAL STATUTES AND CERTAIN PUBLIC ACTS

The act makes many technical and conforming changes, including modifications to the following sections of interest to DCF: §§ 10-19m(a) and (b); 17a-1(9); 17a-1(16); 17a-3(a) and (b); 17a-4; 17a-6; 17a-6c(a); 17a-8(a); 17a-10(b); 17a-11(c); 17a-16(e)(1); 17a-20(a) and (b); 17a-21; 17a-21a; 17a-22; 17a-22a(a); 17a-22a(d) and (e); 17a-22b; 17a-22c(b) and (c); 17a-22d; 17a-22f(b); 17a-30; 17a-52(b); 17a-54; 17a-90; 17a-93(h); 17a-127(a); 17a-128; 17a-147(a) and (b); 17a-152; 46b-121(a); 46b-129(l); 46b-133c(f); and 46b-133d(f).

EFFECTIVE DATE: Most sections are effective upon passage (June 7, 2006)

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